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August 26, 2009

Corbin Davis, Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Re: ADM File 2008-13 - Proposed Rule 1.15(A) of the Michigan Rules of Professional Conduct

Dear Mr. Davis:

The Attorney Discipline Board supports the adoption of a trust account overdraft notification program in Michigan.

The proposed amendment to MCR 9.115(A) is the result of a proposal from the State Bar's Client Protection Fund Standing Committee with input from representatives of the Attorney Grievance Commission, the Attorney Discipline Board and the Michigan State Bar Foundation, culminating in approval of such a program by the State Bar's Representative Assembly.

Michigan is in the distinct minority of states which have not implemented a trust account overdraft notification program. For answers to questions regarding the benefits of such programs or their operation, we need only look to the 39 jurisdictions which rely on overdraft notification to educate lawyers entrusted with client funds as well to detect early signs of willful misuse of those funds.

The Attorney Discipline Board is committed to the discipline system's overriding goal of protecting the public. The experience of other jurisdictions demonstrates that adoption of a trust account overdraft notification program will be a valuable tool in achieving that goal.

Respectfully submitted,

John F. Van Bolt  
Executive Director

cc: All Board Members